

REMARKS

Initially, Applicants thank the Examiner for the courtesies extended during the recent in-person interview held on July 23. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the interview. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Non-Final Office Action, mailed May 8, 2008, considered claims 1-17, 20, 26-34, 36-40 and 45-58. Claims 1 - 4, 6, 8, 12, 17, 20, 26, 27, 29-31, 38-40, 45, 47-53 and 58 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado* (US 2001/0047626 A1), hereinafter *Ohkado*, in view of *Caviedes* (US 6,646,673), hereinafter *Caviedes*.^{1 2}

By this amendment, claims 1, 17, 29 and 38 have been amended, and claims 59-63 have been added.³ Claims 2, 3 and 51-53 have been cancelled. Accordingly, claims 1, 4-17, 20, 26-34, 36-40, 45-50 and 54-63 are pending, of which claims 1, 17, 29 and 38 are the only independent claims at issue.

The present invention is generally directed to automatically adjusting the one or more user interfaces based on the user's level of interaction over a period of time. For example, claim 1 defines displaying an intermediate representation of a user interface for real time communication, the intermediate representation including a text input box and at least a portion of a received real time message. Next, claim 1 defines monitoring all types of user interaction with the intermediate representation of the user interface over a period of time determining an overall level of user interaction with the intermediate representation of the user interface based

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Further claim rejections include the following: Claims 5, 32, and 55 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado* and *Caviedes* in view of *Taylor* et al. (US 6,147,773 A), hereinafter *Taylor*. Claims 7, 54, and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado* (US 2001/0047626 A1) and *Caviedes* in view of *Flowers* et al. (US 2003/0105812 A1). Claims 9 - 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado* and *Caviedes* in view of *Quillen* et al. (US 2004/0103156 A1). Claims 13, 14, 28, 36, 46 and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado* (US 2001/0047626 A1) and *Caviedes* in view of *Amro* (US 5,699,535). Claims 14 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado* (US 2001/0047626 A1) and *Caviedes*. Claims 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado* and *Caviedes* in view of *Brown* et al. (US 7,146,573 B2). Claims 33 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohkado*, *Caviedes*, and *Taylor* in view of *Brown* et al. (US 7,146,573 B2).

³ Support for the amendments to the claims is found throughout the specification and previously presented claims, including but not limited to paragraphs [0011], [0038], [0039], [0041], [0049], [0055] and Figures 3B & 6.

on a combination of all monitored user interactions with the user interface within the period of time.

Claim 1 further defines determining the location and size of any other application windows that are being displayed in addition to the intermediate representation. Lastly, claim 1 defines automatically adapting the user interface to the user's activity level by performing at least one of based on the determined overall level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for a high determined overall level of interaction, wherein the intermediate representation is enlarged without obstructing other windows in accordance with the determined location of the other windows, wherein the enlarged representation includes the text input box, and based on the determined overall level of user interaction, and without any explicit user input indicating that the intermediate representation is to be reduced, automatically reducing the size of the intermediate representation of the user interface to a reduced representation appropriate for a low determined overall level of interaction.

Claim 17 is a method claim directed to simplifying user interaction with one or more real time communication user interfaces by adapting the one or more user interfaces to the user's activity level measured over a period of time. Claim 29 is a computer program product claim corresponding to claim 1. Claim 38 is computer program product claim corresponding to claim 17.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

35 U.S.C. 102 and 103 Rejections

As discussed during the interview, *Ohkado* describes a method for controlling an instant messaging (IM) window. The IM window is automatically enlarged when the volume of the contents to be displayed reaches a predetermined value (par. [0010]). If a user selects a "clear" button, the window shrinks to a minimum size (par. [0037]). The size of the window is calculated based on the number of lines after the addition of a message input by a user (par. [0035]). Thus, the window is enlarged when additional lines of text are typed by the user and is reduced to the minimum size when the user clears the text by selecting the "clear" button (par.

[0035]-[0037]). *Ohkado* is silent on determining an overall level of user interaction with an application window based on various forms of user interaction and is further silent on automatically adjusting application window size based on the overall level of user interaction. *Ohkado* calculates the window size solely on the number of displayed lines of text or whether the "clear" button has been pressed. Moreover, *Ohkado* fails to teach or suggest determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows, as recited in claim 1.

Caviedes is cited mainly to show a system that monitors and can determine an overall level of user interaction. *Caviedes* describes a monitoring unit for locally deriving activity information about an associated user (Col. 4:35-38). During a user session, a timer is set at each monitored terminal that triggers each second. On the trigger, the monitoring unit determines whether the user is talking or silent or whether keyboard strokes are being input or not (Col. 4:40-45). From this, the monitoring unit can determine whether the user is interacting with the system or not. Like *Ohkado*, *Caviedes* fails to teach or suggest determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows, as recited in claim 1.

Thus, none of the cited art teaches or suggests determining the location and size of any other application windows that are being displayed in addition to the intermediate representation, and, based on the determined overall level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for a high determined overall level of interaction, wherein the intermediate representation is enlarged without obstructing other windows in accordance with the determined location of the other windows, the enlarged representation including the text input box, as recited in claim 1.

Furthermore, while *Ohkado* teaches reducing windows size when text is erased by pressing the "clear" button, none of the cited art teaches or suggests, based on the determined overall level of user interaction, and without any explicit user input indicating that the

intermediate representation is to be reduced, automatically reducing the size of the intermediate representation of the user interface to a reduced representation appropriate for a low determined overall level of interaction. At least for any of these reasons, claim 1 patentably defines over the art of record. At least for any of these reasons, claims 17, 29 and 38 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 17, 29 and 38, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

Although each of the dependent claims patentably define over the prior art of record for the same reasons as their corresponding base claims, many of the dependent claims also independently distinguish over the prior art of record. For example, the prior art of record fails to disclose or suggest wherein an instant messaging portion of the intermediate representation is expanded beyond the boundaries of the representation's desktop header bar based on the determined overall level of user interaction with the instant messaging portion, as recited in claim 60.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 8th day of August, 2008.

Respectfully submitted,

/GREGORY R. LUNT/

RICK D. NYDEGGER
Registration No. 28,651
GREGORY R. LUNT
Registration No. 57,354
Attorneys for Applicant
Customer No. 47973

RDN:GRL:ds:cj
1788374_1.DOC